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7 The Honorable Robert J. Bryan

8 **UNITED STATES DISTRICT COURT**  
9 **WESTERN DISTRICT OF WASHINGTON**  
10 **AT TACOMA**

11 LAWRENCE HARTFORD, et al.,

12 Plaintiffs,

13 v.  
14 BOB FERGUSON, in his official capacity as  
15 Washington State Attorney General, et al.,  
16 Defendants.

17 NO. 3:23-cv-05364-RJB  
18 STIPULATION AND [PROPOSED]  
19 ORDER REGARDING THE  
20 ADMISSIBILITY OF SURVEYS  
21 AUTHORED BY WILLIAM ENGLISH

22 **I. RECITALS**

23 1. In their Complaint in this matter, Plaintiffs cite an unpublished study authored by  
24 William English entitled “2021 National Firearm Survey: Updated Analysis Including Types of  
25 Firearms Owned,” dated May 13, 2022. Dkt. # 1, ¶¶ 37, 41, 50. Plaintiffs also relied on this study  
in their Motion for Preliminary Injunction. Dkt. # 10 at 9.

26 2. State Defendants issued a subpoena duces tecum to Mr. English under Fed. R. Civ. P. 45 to obtain information about, *inter alia*, the bases of the conclusions in the study  
(including all versions thereof) and the methodology used for the study.

3. On January 11, 2024, State Defendants filed a motion to compel a response to the  
subpoena. Dkt. # 79.

4. On January 12, Attorney Chad Flores accepted service of the subpoena on Mr. English's behalf, and the parties agreed to a production date of January 23, 2024.

5. On January 22, 2024, State Defendants agreed to withdraw their subpoena and their pending motion to compel if Plaintiffs agreed that they would not rely on Mr. English's work in any respect in this lawsuit.

## II. STIPULATION

The Parties, by and through their respective attorneys of record, hereby stipulate to the following:

1. The Plaintiffs shall not cite to or rely upon the following studies (collectively, the Covered Studies) by Mr. English:

a. “2021 National Firearms Survey,” *Georgetown McDonough School of Business Research Paper No. 3887145*, available at

b. “2021 National Firearms Survey: Updated Analysis Including Types of Firearms Owned,” *Georgetown McDonough School of Business Research Paper No. 4109494*, available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3887145](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3887145),

[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4109494](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4109494); and

c. “2021 National Firearms Survey: Analysis of Magazine Ownership and Use,” *Georgetown McDonough School of Business Research Paper* No. 4444288, available at

2. Plaintiffs also shall not rely on any finding, conclusion, or other statement from any court or case to the extent such finding, conclusion, or statement is based solely on any of the Covered Studies.

1       3. To the extent any third party (e.g., an amicus) files a brief relying on the Covered  
2 Studies, Plaintiffs agree not to rely on any assertion in the amicus brief based on the Covered Studies  
3 in their briefing in this case.

4       4. State Defendants hereby WITHDRAW their subpoena duces tecum to Mr. English.

5       5. Within three days of the Court's acceptance of this stipulation, the State Defendants  
6 shall strike their Motion to Compel, Dkt. # 79.

7       DATED this 25th day of January 2024.

8       ROBERT W. FERGUSON  
9       Attorney General

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### III. ORDER

SO ORDERED.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2024

The Honorable Robert J. Bryan  
United States District Judge